

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,
Plaintiff,
v.
RAMESH “SUNNY” BALWANI,
Defendant.

Case No. [5:18-cr-00258-EJD-2](#)

**ORDER RE DEFENDANT’S MOTION
TO STRIKE PORTIONS OF SARAH
BENNETT’S TESTIMONY**

Defendant Ramesh “Sunny” Balwani moves to strike portions of Sarah Bennett’s testimony. Defendant argues that the testimony is inadmissible under the rule against hearsay. The Court disagrees.

First, Defendant was the Chief Operating Officer of Theranos and, as the evidence shows, had responsibility for the lab. As relevant to Ms. Bennett’s testimony, Defendant provided CMS with a document in which he took responsibility for the lab. This is a party-admission and is thus exempt from the rule against hearsay under Federal Rule of Evidence 801 (d)(2).

Second, as the Government notes, the statements that Defendant seeks to strike were offered for the non-hearsay purpose of explaining why “Ms. Bennett did not put in her statement of deficiencies or any subsequent iteration of them a patient impact assessment with respect to the particular things she was finding.” Transcript of Trial Proceedings at 6328. Further, the testimony sought to be struck is important to give context to some of the questions asked by the defense during cross-examination.


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1 Accordingly, the Court finds that the testimony sought to be struck does not violate the
2 rule against hearsay, either because it is non-hearsay under Federal Rule of Evidence 801(2) or
3 because it was offered for a non-hearsay purpose. Defendant's motion to strike is therefore
4 **DENIED.**

5 **IT IS SO ORDERED.**

6 Dated: June 10, 2022

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9 EDWARD J. DAVILA
United States District Judge

United States District Court
Northern District of California

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